

The Honorable Barbara J. Rothstein

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DIANE RAWLS, an individual, and RUSSEL
RAWLS, an individual,

Plaintiffs,

vs.

COMBINED TRANSPORT, INC., a foreign
corporation; and ROGER TAKACS, an
individual; and STATE FARM MUTUAL
AUTOMOBILE INSURANCE COMPANY, a
foreign insurer;

Defendants.

Case No.: 2:19-cv-01382-BJR

**STIPULATED MOTION AND AGREED
ORDER FOR MEDICAL,
EDUCATIONAL AND EMPLOYMENT
RECORDS OF DIANE RAWLS**

**NOTE ON MOTION CALENDAR:
MAY 6, 2020**

STIPULATED MOTION

Come now the Plaintiff Diane Rawls, by and through her attorneys at Seattle Truck Law, PLLC, and Defendants Combine Transport, Inc., and Roger Takacs, by and through their attorneys at Williams, Kastner & Gibbs, PLLC, and Defendant State Farm Mutual Automobile Insurance Company, by and through its attorneys at Reed McClure, and stipulate that the Court should enter the following proposed order.

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AND EMPLOYMENT RECORDS
OF DIANE RAWLS

SEATTLE TRUCK LAW, PLLC
222 ALASKAN WAY
SEATTLE, WA 98104
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ORDER

THIS MATTER having come before the Court by way of stipulated motion by the Plaintiff Diane Rawls and Defendants Combined Transport, Inc., and Roger Takacs, and State Farm Mutual Automobile Insurance Company, and the Court being fully advised in the premises, it is therefore hereby ORDERED as follows:

That the Defendants should have an Order and authorization to acquire the medical records, educational records, and/or employment records as they pertain to Diane Rawls, DOB: xx/xx/1952, SSN: xxx-xx-8818, which are in the possession of any doctor, nurse, hospital or any other health care providers, educational establishment or any past, present or potential employer.

All records acquired should be paid for by the Defendants and/or their attorneys and copies provided to Plaintiff's counsel within ten (10) days from receipt of same; however, that if records are obtained less than thirty (30) days prior to a hearing, deposition or trial, they shall be furnished to counsel for the Plaintiff immediately.

In accordance with the Health Insurance Portability and Accountability Act ("HIPAA"), 45 C.F.R. §160 and 164, Plaintiff hereby acknowledges, through counsel, that release of medical records per this Order shall be used for discovery purposes in the above-styled lawsuit. Plaintiff further acknowledges, through counsel, that any request for medical records shall include all records pertaining to treatment rendered to the plaintiff, irrespective of type of treatment or time of services rendered. Lastly, Plaintiff acknowledges, through counsel, that records obtained per this Order may be disseminated to agents and/or associates of defense counsel, including but not limited to, their agents and expert witnesses, and that any such information disseminated will no longer be protected by HIPAA privacy standards.

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1 In further accordance with HIPAA, counsel for the defendant hereby acknowledge that
2 dissemination of records obtained per this Order shall be limited to agents, representatives, and
3 expert witnesses. It is further

4
5 ORDERED that Defendants are hereby authorized to inspect, reproduce, and copy all
6 medical records, educational records and/or employment records as they pertain to Diane Rawls,
7 DOB: xx/xx/1952, SSN: xxx-xx-8818, which are in the possession of any doctor, nurse, hospital,
8 or any other health care providers or any past, present or potential employer or any educational
9 facility. Further, it is

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11 ORDERED that said hospitals, doctors, or health care providers or their employees are
12 ordered and authorized to release said information and that said past, present, or potential
13 employers or their employees are ordered and authorized to release said personnel information.
14 Further, all educational establishments are to provide any and all educational records pertaining to
15 Plaintiff. Further, it is

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17 ORDERED that all records so acquired by this Order and authorization shall be paid by
18 Defendants and/or their attorneys and copies provided to Plaintiff's counsel, within ten (10) days
19 from receipt of same and that each page of such records supplied shall have a "Bates" stamp
20 number or other numbering sufficient to identify each such page in numerical order. However,
21 that if records are obtained less than thirty (30) days prior to a hearing, deposition, or trial, they
22 shall be furnished to counsel for the Plaintiff immediately. Further, it is

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24 ORDERED that if documents are examined and not copied, Plaintiff's counsel will be
25 provided the name and address of the place where the documents exist, a listing of all documents

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1 examined and not copied within ten (10) days of such inspection and prior to any hearing,
2 deposition, or trial if less than ten (10) days of such examination. Further, it is

3 ORDERED that in the event the Defendants intend to use at trial any information reviewed
4 pursuant to this Order of which copies are not obtained, Defendants shall advise counsel for the
5 Plaintiff of that intent not less than thirty (30) days prior to trial. Further, it is

7 ORDERED that this Order and Authorization is not a waiver of plaintiff's right of privacy
8 or plaintiff's covenant of confidentiality with her physicians or other healthcare providers.

9 **Plaintiff's counsel hereby advises all of plaintiff's treating physicians that this Agreed Order**
10 **does not authorize any communication *ex parte*, or private conferences by and among any**
11 **attorneys or their agents with any medical health care provider or any entity in possession**
12 **of such medical records or any employer or any entity in possession of such employment**
13 **and/or personnel records, unless plaintiff's counsel is present at such conference.** Plaintiff

14 agreeing to this order satisfies the duty to supplement medical records and bills so long as the
15 plaintiff identifies the medical providers.

17 This Order shall expire upon final disposition of this case and the law firm of Williams,
18 Kastner & Gibbs, PLLC, or their designated representatives, shall be prohibited from using the
19 Order thereafter and copies of all records obtained shall be destroyed no later than one (1) year
20 after the time for appeals has been exhausted.

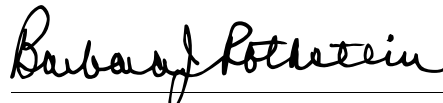
22 The defendants stipulate that the records obtained from any doctor, nurse, hospital, or any
23 other health care providers or any past, present or potential employer or any educational facility
24 are authentic, and are kept in the regular course of business.

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If any records obtained or reviewed with the Order are not provided or revealed to Plaintiff's counsel as provided herein, and/or if any *ex parte* discussion with Plaintiff's treating physicians and/or other medical providers occur in violation of this Order, then sanctions may be issued to specifically include prohibition of the use of said records, and/or prohibition of the use of any information discovered pursuant to any said *ex parte* discussions, for any purpose whatsoever and at any time in connection with this litigation.

ENTERED this 15th day of May, 2020.



Barbara Jacobs Rothstein
U.S. District Court Judge

APPROVED FOR ENTRY:

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